

REMARKS

The present Amendment is in response to the Office Action. Claims 1, 4, 6, 8, 9, 12, 15-23, 28, and 40 are amended. Claims 1-40 remain pending.

Reconsideration of the application is respectfully requested in view of the above amendments to the claims and the following remarks. For the Examiner's convenience and reference, Applicants' remarks are presented in the order in which the corresponding issues were raised in the Office Action.

I. GENERAL CONSIDERATIONS

A. Claim Amendments

With particular reference to the claim amendments, Applicants note that while claims 1, 4, 6, 8, 9, 12, 15-23, 28, and 40 have been amended herein, such amendments have been made in the interest of expediting the allowance of this case. Notwithstanding, Applicants, may, on further consideration, determine that claims of broader scope than those now presented are supported. Accordingly, Applicants hereby reserve the right to file one or more continuing applications with claims broader in scope than the claims now presented.

Consistent with the points set forth above, Applicants submit that neither the claim amendments set forth herein, nor any other claim amendments, claim cancellations or statements advanced by the Applicants in this or any related case, constitute or should be construed as, an implicit or explicit surrender or disclaimer of claim scope with respect to the cited, or any other, references.

B. Remarks

Applicants respectfully note that the remarks herein do not constitute, nor are they intended to be, an exhaustive enumeration of the patentable distinctions between any cited references and the invention, example embodiments of which are set forth in the claims of this application. Rather, and in consideration of the fact that various factors make it impractical to enumerate all the patentable distinctions between the invention and the cited art, as well as the fact that the Applicants have broad discretion in terms of the identification and consideration of the base(s) upon which the claims distinguish over the cited references, the distinctions identified and discussed herein are presented solely by way of example. Consistent with the foregoing, the discussion herein is not intended, and should not be construed, to prejudice or foreclose

contemporaneous or future consideration by the Applicants, in this case or any other, of: additional or alternative distinctions between the invention and the cited references; and/or, the merits of additional or alternative arguments.

Applicants note as well that the remarks, or a lack of remarks, set forth herein are not intended to constitute, and should not be construed as, an acquiescence, on the part of the Applicants: as to the purported teachings or prior art status of the cited references; as to the characterization of the cited references advanced by the Examiner; or as to any other assertions, allegations or characterizations made by the Examiner at any time in this case. Applicants reserve the right to challenge the purported teachings and purported prior art status of the cited references at any appropriate time.

II. Substance of Examiner's Interview

Applicants express their appreciation to the Examiner for conducting a telephone interview with Applicants on April 2, 2008. As noted in the Interview Summary, Applicants discussed the claims and outstanding rejections with the Examiner, but no agreement was reached.

During the interview the Examiner suggested canceling the phrase "the act of" from the claims to improve form. Applicants have therefore amended the claims to cancel the term "the act of" solely to comply with the Examiner's suggestion. Consequently, the amendments are not made for patentability purposes and the scope of the claims has not changed as a result of the amendments.

III. 35 U.S.C. § 112, First Paragraph

The Examiner rejected claim 40 under 35 U.S.C. § 112, first paragraph, as not having support in the specification. In particular, the Examiner asserted that there is no support for the limitation "interspersing a bit at a guaranteed minimum frequency." Applicants respectfully disagree.

Support for claim 40 may be found at least in paragraphs [0035] and [0043]-[0045] of the specification. For example, paragraph [0035] states the following: "[T]he frame 200 is designed so that within any component's turn for control of the data wire, there is a guaranteed zero interspersed more frequently than the length of the preamble." In addition, paragraph [0045]

states that "the preamble could be a sequence of logical zeros (instead of ones) with rest of the frame having interspersed guaranteed ones (instead of zeros)."

Therefore, withdrawal of the rejection is respectfully requested.

IV. PRIOR ART REJECTIONS

A. Rejection Under 35 U.S.C. §102(b)

The Examiner rejected claims 1-5, 8-10, 12, 13, 23-26, and 28-30 under 35 U.S.C. § 102(b) as being anticipated by United States Patent No. 6,385,669 to *Creedon et al.* ("*Creedon*"). Applicant respectfully traverses the rejection in light of the following remarks.

Amended claims 1, 23, and 28, although of different scope, each recite, among other things:

monitoring the data wire of the two-wire interface upon determining that the operation is to be performed on the slave component;

detecting at least a predetermined number of consecutive bits of the same binary polarity have occurred on the data wire while monitoring the data wire; and

asserting a frame of the two-wire interface on the data wire in response to detecting that the predetermined number of consecutive bits of the same polarity have occurred on the data wire.

The rejection of each of the above claims is repeated verbatim from the previous Office Action. However, as noted in Applicants' previous response filed December 10, 2007, the Examiner's characterization of *Creedon* implies that the station management entity 10 monitors and detects its own preamble,¹ which is not described anywhere in *Creedon*.

The response to arguments section of the Office Action noted that the management frame of Figure 4 has a preamble, but that "the section referred to by Applicant...does not state the preamble is generated by master entity 10." *See Office Action*, p. 8. Applicants respectfully

¹ The Examiner identified management entity 10 as the claimed "master component" (*see Office Action*, p. 3) and the preamble sent by management entity 10 on data wire 13 as the claimed "predetermined number of consecutive bits of the same binary polarity," (*see id.*). The Examiner also asserted that "the master is able to read the data wire at any time and therefore reads on the 'act of monitoring and detecting at least the predetermined sequence of bits'" (*see Office Action mailed August 9, 2007*, p. 8). Therefore, the Examiner has mischaracterized management entity 10 as monitoring and detecting its own preamble.

maintain, however, that the management frame and its attendant preamble is sent by management entity 10 and, therefore, the Examiner's characterization of *Creedon* is inaccurate.

For example, *Creedon* states that "[t]he signal sent...by the management entity [is] usually termed 'frame'...." *See Creedon*, col. 2, lines 30-33. Moreover, *Creedon* describes the management entity 10 as determining whether physical layer devices "can accept management frames that are not preceded by the preamble pattern." *See Creedon*, col. 5, lines 1-5. Because management entity 10 sends the management frames, the Examiner has mischaracterized *Creedon* in asserting that management entity 10 monitors and detects the management frame's preamble.

The Examiner also argued that "Creedon discloses the act of monitoring for at least a predetermined number of consecutive bits of the same binary polarity (i.e. Logic one, which is the default logic [of line 13] caused by [a] pull up resistor)" because "the master entity determines the voltage level of line 13...[and] the preamble [transmitted over line 13] consists of 32 consecutive logic ones...." *See Office Action*, p. 9. Applicants respectfully disagree.

The claims recite "monitoring the data wire of the two-wire interface upon determining that the operation is to be performed on the slave component." (*Emphasis added*.) In contrast, management entity 10 of *Creedon* determines the voltage level of line 13 only "at controlled times." *See Creedon*, col. 4, lines 17 and 18. In addition, as discussed above, the preamble is sent by management entity 10. Therefore, the Examiner's assertion that management entity 10 monitors line 13 for its own preamble of 32 logic ones is illogical and is nowhere described by *Creedon*.

The Examiner also cited portions of paragraph [0042] in Applicants' specification, which generally describes a state of a data wire 132 when a master component 110 is asserting or not asserting data wire 132. *See Office Action*, p. 9. The Examiner alleged that this description "is applicant's method of monitoring and detecting consecutive bits" and that "[t]his is the same as the Creedon's method for monitoring and detecting consecutive bits." Applicants respectfully disagree. The claims and the cited portions of paragraph [0042] are related to one another inasmuch as the specification provides support for the claims, but each recites language not recited in the other. Therefore, contrary to the Examiner's assertion, the description in paragraph [0042] is not "applicant's method of monitoring and detecting consecutive bits."

Moreover, the Examiner's bald assertion equating "Creedon's method for monitoring and detecting consecutive bits" with "applicant's method of monitoring and detecting consecutive bits" is not supported by substantial evidence and therefore fails to establish anticipation under 35 U.S.C. § 102(b). *See MPEP* § 2144.03 ("The standard of review applied to findings of fact is the 'substantial evidence' standard under the Administrative Procedure Act (APA).") (citing *In re Gartside*, 203 F.3d 1305, 1315 (Fed. Cir. 2000)). With regard to the foregoing, Applicants further note in general that "[t]he goal of examination is to clearly articulate any rejection early in the prosecution process so that the applicant has the opportunity to provide evidence of patentability and otherwise reply completely at the earliest opportunity." *See MPEP* § 706.

Furthermore, as noted above, each of claims 1, 23, and 28 recites "asserting a frame of the two-wire interface on the data wire in response to detecting that the predetermined number of consecutive bits of the same polarity have occurred on the data wire." The Examiner asserted, in the response to arguments section of the Office Action, "It is implicit that [a] start frame is in response to detecting consecutive bits since the frame format requires a preamble of 32 consecutive bits." *See Office Action*, p. 9. Applicants respectfully disagree.

The start portion of the management frame format in *Creedon* is merely "[t]he next portion of the frame format" following the preamble. *See Creedon*, col. 5, line 7 and Fig. 4. Therefore, contrary to the Examiner's assertion, the start portion of the frame always follows the preamble and, therefore, does not implicitly follow "in response to detecting that the predetermined number of consecutive bits of the same polarity have occurred on the data wire," as claimed. (*Emphasis added.*)

In view of the foregoing remarks, Applicants respectfully submit that the Examiner has failed to establish that *Creedon* anticipates claim 1, claim 23, or claim 28, at least because the Examiner has not established that each and every element as set forth in the claims is found in *Creedon*, and because the Examiner has not established that the identical invention is shown in *Creedon* in as complete detail as is contained in the claims. Applicants thus respectfully submit that the rejection of claims 1, 23, and 28, and corresponding dependent claims 2-5, 8-10, 12, 13, 24-26, 29, and 30, should be withdrawn.

Applicants further submit that the rejection of claim 40 should be withdrawn for additional reasons. Claim 40 recites: "interspersing a bit at a guaranteed minimum frequency among data transmitted on the data wire, wherein the interspersed bit is of a polarity opposite

that of the detected predetermined number of consecutive bits.” According to the Examiner, *Creedon* fails to specifically disclose the aforementioned claim limitations. *See Office Action*, p. 8. However, the Examiner took official notice that “zero-bit insertion” is well-known and alleged that it would have been obvious to use zero stuffing in *Creedon*. *See id.*

Zero stuffing (or zero-bit insertion), as understood by Applicants, is not equivalent to “interspersing a bit at a guaranteed minimum frequency among data...,” as claimed. (*Emphasis added.*) Rather, zero stuffing, as understood by Applicants, inserts bits as they are needed to fill out a packet or frame. Therefore, the rejection of claim 40 is not well taken and should be withdrawn for this additional reason. Moreover, should the Examiner maintain the official notice rejection claim 40 based on the Examiner’s personal knowledge of zero stuffing, Applicants respectfully request, pursuant to 37 C.F.R. 1.104(d)(2), an Examiner affidavit that: (i) specifically identifies any and all reference(s), other than those that have been specifically cited by the Examiner, upon which the obviousness rejection of claim 40 is based; and (ii) provides complete details concerning the reasoning and analysis of the Examiner concerning those references as those references are purported to apply to the rejection of claim 40.

B. Rejection Under 35 U.S.C. § 103

The Examiner rejected claims 6, 7, 11, 14-22, and 31-40 under 35 U.S.C. § 103 as being unpatentable over *Creedon et al.* (U.S. Patent No. 6,385,669) in view of what is purportedly “well known in the art.”

Applicants note that inasmuch as the rejection of claims 6, 7, 11, 14-22, and 31-39 relies on the characterization of *Creedon* advanced by the Examiner in connection with the rejection of claims 1 and 28, the rejection of claims 6, 7, 11, 14-22, and 31-39 lacks an adequate basis for at least the reasons set forth in the discussion at section IV.A above. Accordingly, the attention of the Examiner is respectfully directed to such discussion. For example, it was noted in such discussion that the Examiner has failed to establish that *Creedon* teaches all the limitations of claims 1 and 28, from which claims 6, 7, 11, 14-22, and 31-39 depend. Thus, Applicants respectfully submit that it is clear that even if the references are combined, the resulting combination fails to include all the limitations of claims 6, 7, 11, 14-22, and 31-39.

CONCLUSION

In view of the foregoing, Applicants believe the claims as amended are in allowable form. In the event that the Examiner finds remaining impediment to a prompt allowance of this application that may be clarified through a telephone interview, or which may be overcome by an Examiner's Amendment, the Examiner is requested to contact the undersigned attorney.

Dated this 25th day of April, 2008.

Respectfully submitted,

/Ronald J. Ward/Reg. No. 54,870

RONALD J. WARD

Registration No. 54,870

ERIC L. MASCHOFF

Registration No. 36,596

Attorneys for Applicant

Customer No. 022913

Telephone: (801) 533-9800